in view of U.S. Patent No. 5,181,237 to Dowden et al.
(Dowden).

The present invention, according to claim 1, calls
for a voice-responsive messaging system comprising:

> a voice processing unit
> configured for recording <u>a destination
> party identity and a destination
> address *type*</u>, spoken by calling party,
> for a corresponding message;
>
> a speech recognition unit for
> outputting data corresponding to
> identified words spoken by the calling
> party; and
>
> a master control unit configured
> for <u>generating a destination address
> query for an identified directory
> database in response to identification
> of the destination party identity and
> the destination address *type*</u> by the
> speech recognition unit, wherein the
> master control unit, in response to
> receiving a destination address reply
> from the identified directory
> database, selectively initiates a
> transfer of the message to the
> destination party based on the
> destination address reply

(emphasis added). Thus, the present invention relates to

a voice-responsive system wherein a caller identifies a

destination party and destination address type (such as,

"fax", "email", "telephone", "pager", etc.). Based upon

the destination party and destination address type, the

system generates a destination address query.

In contrast the claimed invention, Lennig discloses

a directory assistance apparatus for reducing operator

involvement during a call. Specifically, when a

directory assistance call is received, the system of
Lennig announces the message "For what city?", prompting
the caller to state the name of the locality they are
trying to get information. See Lennig, starting at 6:34.
If the locality is recognized, the system will transmit a
message asking the caller to state whether or not the
desired listing is a business listing. See Lennig,
starting at 7:1. If the required number is a business
listing, the system then asks "For what business name?"
and then employs speech recognition to attempt to
retrieve the requested number. See Lennig, 7:17.

Unlike Applicant's claimed messaging system, the
directory assistance apparatus of Lennig fails to
acknowledge that more than one type of destination
address can exist, for instance, an email address, a fax
number, a voicemail telephone number, cellular telephone
number, etc. As a result, Lennig does not solicit the
type of destination address sought by the calling party
as its system is designed to only retrieve telephone
numbers for voice conversations (see, e.g., Lennig, 2:16
through 3:30, along with Figure 3B), as recited in claim
1. As such, a caller in Lennig cannot specify the type
of destination address they wish to retrieve for a
particular party.

Because Lennig does not solicit the type of
destination address sought, Lennig does not generate a

destination address query based upon the combination of

i) a destination party identity and ii) a destination

address type, as recited in claim 1. Further, Lennig

also fails to identify an appropriate database based upon

such information, for instance, a database designed to

accumulate and store email addresses. In contrast, the

claimed invention calls for a master control unit that

generates "a destination address query for an identified

directory database in response to identification of the

destination party identity <u>and</u> the destination address

type."

Lastly, as the Examiner has acknowledged, Lennig

fails to disclose the ability to transfer a message to a

destination party. Lennig simply aides directory

assistance services by automating portions of it using

speech recognition. Specifically, Lennig asks "For what

city?" the call is directed to, whether the desired

listing is a business number, and if so, the name of the

business. If at any point the system cannot process this

information, the caller is redirected to a human operator

for further assistance. See Lennig, 6:19 through 7:47.

It is implied in the Office Action that Lennig's

inquiry "For what city?" is the same as or equivalent to

the claimed invention's destination address type. See,

Office Action, page 3, line 5. However, as illustrated

above, the physical address (i.e., street name and

number) solicited in Lennig is completely different from the address (type) (for example, "telephone", "email", "pager", "fax", etc.) solicited in the claimed invention. The claimed invention includes a voice processing unit for "recording a destination party identity and destination address type," such as, for example, a fax, voicemail or email address. A master control unit of the claimed invention is then configured for "generating a destination address query for an identified directory database," and "in response to receiving a destination address reply … initiates a transfer of the message." In contrast, Lennig, as a directory assistance apparatus, is designed for and only capable of searching for a directory phone number, using a geographic location ("For what city?") to expedite the search process.

The Dowden reference does not remedy the shortcomings of Lennig. Dowden discloses a system for automating operator-assisted telephone calls. Specifically, a customer of Dowden is assigned their own individual telephone number, such as an 800 number, which, when called, routes that customer to a switching system containing prerecorded phrases in the voice of that customer. The customer speaks, and the automated system attempts to match the customer's utterance to a previously recorded phrase made by the customer. If a match is found, the system dials a telephone number the

customer previously associated with the recorded phrase, thereby completing the call. See, generally, Dowden, 10:5 - 10:35. Dowden can also incorporate a voice messaging system where a recorded voice message can be delivered to a customer. See Figure 5 and 10:37.

However, similar to the system of Lennig, Dowden does not recognize more than one type of destination address, and, as such, cannot retrieve alternative destination addresses for a party, such as, for example, a fax number or email address. As a result, Dowden is also incapable of initiating the transfer of a message to different types of destination addresses. Instead, Dowden only allows the retrieval of a limited number of phone numbers from a database created by the customer. Upon retrieval of a phone number, the customer can establish a connection in order to carry on a conversation with another party, or alternatively, deliver a voice message to the other party.

Accordingly, the system of Dowden is similar to Lennig in that it does not acknowledge that more than one type of destination address, for example, a fax number, cell number, or email address, can exist for a person. As a result, Dowden also fails to disclose "generating a destination address query for an identified directory database in response to identification of the destination party identity and destination address type." For these

reasons, the combination of Lennig and Dowden would not
establish a prima facie case under § 103. A combination
of Lennig and Dowden would simply provide for an operator
or directory assistance apparatus that would allow a
person to initiate a telephone conversation by two very
different means. A person could either look up a
telephone number for a business by knowing the name of
the business and its geographic location, or they could
call into a private number, such as an 800 number, to
access a personal electronic directory and retrieve and
automatically dial a telephone number they previously
programmed into the directory. Either way, they would be
unable to "generate a destination address query for an
identified database in response to identification of a
destination party identity and destination address type",
and, based upon a reply to that query, "selectively
initiate a transfer of a message to a destination party."

Similar to claim 1 discussed in detail above,
independent claims 15, 24 and 34 all call for the
identification of a party identity and a destination
address type, along with either the generation of a query
based on a party identity and destination address type
(claim 15), the retrieval of a destination address
corresponding to the destination party and destination
address type (claim 24), or access to destination address
information for a destination party based on a

corresponding destination address type (claim 34). As discussed in detail above in relation to claim 1, neither Lennig nor Dowden, individually or in combination, suggest or disclose the identification of a destination party identity and a destination address type, such as, for example, a fax number, voicemail number, or email address. Further, neither reference, individually or in combination, discloses the formation of a query, nor retrieving or accessing a destination address based on a party's identity and destination address type. Accordingly, independent claims 15, 24 and 34, along with the claims dependent there from, should all be patentable over the references of Lennig and Dowden.

Rejection of Claims 3-14, 16-19, 21-23, 25-33 and 37-42 under 35 U.S.C. §103(a)

Dependent claims 3-14, 16-19, 21-23, 25-33 and 37-42 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Lennig in view of Dowden and in further view of U.S. Patent 5,193,110 to Jones et al. ("Jones").

As indicated above, the references of Lennig and Dowden, either individually or in combination, fail to disclose a system that "generates a destination address query for an identified directory database in response to identification of the destination party identity and the destination address type." Accordingly, the references

of Lennig and Dowden do not establish a prima facie case
under §103 for independent claims 1, 15, 24 and 34, from
which the above rejected claims depend on.

Furthermore, the addition of Jones as a reference
does not cure these deficiencies (indeed, the Examiner
does not advance Jones for these deficiencies). Jones's
services platform for a telephone communication system
does not disclose a system or method where a destination
party identity and a destination address type are
identified, and subsequently a destination address
corresponding to the party identity and address type is
retrieved. Accordingly, claims 3-14, 16-19, 21-23, 25-33
and 37-42 should be patentable over the references of
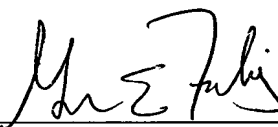Lennig, Dowden and Jones.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance, and a Notice to that effect is earnestly solicited.

Any fees associated with the filing of this paper should be identified in any accompanying transmittal. However, if any additional fees are required, they may be charged to Deposit Account 18-0013 in the name of Rader, Fishman & Grauer PLLC.
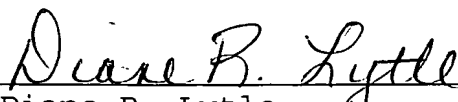
Respectfully submitted,

Date: October 17, 2002   By _____

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CERTIFICATE OF MAILING

I hereby certify that the enclosed Amendment is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231 on this 17th day of October, 2002.

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Diane R. Lytle